



TO: John McDonough, City Manager

FROM: James E. Tolbert, Assistant City Manager

DATE: March 9, 2017 for Submission onto the Agenda of the March 21, 2017 City Council Regular Agenda

ITEM: Ordinance to Remove Fencing Requirement for Outdoor Café's

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***Recommendation:***

Staff recommends that the Mayor and City Council approve the ordinance to remove the requirement that outdoor café's that serve alcohol be fenced.

***Background:***

Current City Code requires that any outdoor café' at a restaurant be enclosed by fencing to require access only from inside the restaurant. This has been a requirement that has not always been enforced and is outdated now with the change in the code to allow open containers in City Springs.

***Discussion:***

At the City Council meeting on March 7, 2017 staff presented Council the recommendation to remove the requirement and received the direction to bring back an ordinance to remove the fencing requirement. Fencing will still be allowed if a property owner chooses to do so. The attached ordinance deletes the requirement.

***Alternatives:***

The Council could choose to not approve the code change

***Attachments:***

1. Ordinance

AN ORDINANCE OF THE CITY OF SANDY SPRINGS REVISING THE ALCOHOLIC BEVERAGES CODE TO DELETE REQUIREMENT OF FENCES IN OPEN AREA PATIOS AT RESTAURANTS

WHEREAS, the Mayor and City Council of the City of Sandy Springs are charged with preserving the health, safety and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council previously adopted Alcoholic Beverages regulations, included in the City's Code as Chapter 6, and as part of said regulations, included requirements for restaurants to have enclosed outdoor patio areas in order to allow for service of alcohol therein; and

WHEREAS, the Mayor and City Council find that said regulations are no longer conducive to cultivation of commercial eating establishments in the City and the requirement to have the outdoor patio area enclosed does not increase the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, the Mayor and City Council of the City of Sandy Springs, Georgia, hereby Ordains as follows:

Section 1: The City of Sandy Springs, Georgia, Code of Ordinances is hereby amended by revising Chapter 6 (Alcoholic Beverages), Article II (Vendors), Section 6-32 (Open Area Patio Sales) to read as follows:

Sec. 6-32. Open Area Patio Sales.

- (a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to sell, serve, or otherwise dispense alcoholic beverages outside the licensed premises structure.
- (b) A consumption licensee may sell, serve, or otherwise dispense alcoholic beverages in a patio/open area type environment if approved by the city manager to do so, and so long as said patio/open area is not located on the City right of way and is otherwise not blocking the safe passage of pedestrian or vehicular traffic. ~~To be approved the following requirements must be met:~~
  - ~~(1) The patio/open area must be enclosed by some structure providing for public ingress/egress only through the licensed premises main structure, in order to prevent a customer from leaving the outside area with an alcoholic beverage without the licensee's knowledge.~~
  - ~~(2) The height of such structure shall be a minimum of three feet above ground level, although it does not have to be solid or restrict visibility into or out of the patio/open area. The~~

~~structure must be approved by the city's building inspection department and fire department.~~

~~(3) The only exits from the patio/open area are to be through the licensee's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit should sound an alarm when used in order that any unauthorized use shall be known.~~

(c) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas, provided such functions are catered in connection with a meeting, conference, convention, or similar type gathering at such hotel or motel.

Section 2: This Amendment shall become effective immediately upon its adoption by the Mayor and City Council, and incorporated into the Code of the City of Sandy Springs, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved:

\_\_\_\_\_  
Rusty Paul, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Michael Casey, City Clerk

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Office of City Attorney